

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION**

**NEW YORK LIFE INSURANCE
AND ANNUITY CORPORATION,**

Plaintiff,

Case No.: 4:21-cv-490-O

v.

**Barbara Brown Family Trust DTD 3/12/2010;
Barbara Jean Brown Living Trust DTD 3/12/2010;
Sharon Kay Britton and Ken Britton, as co-Trustees of the
Barbara Jean Brown Family Trust DTD 3/12/2010;
Barbara Jean Brown Living Trust DTD 5/29/2018; Bob Shelton,
as Trustee of Barbara Jean Brown Living Trust DTD 5/29/2018,**

Defendants.

**ATTORNEY DECLARATION IN SUPPORT OF PLAINTIFF'S MOTION FOR
INTERPLEADER RELIEF AND ATTORNEYS' FEES**

Grace Pyun, an attorney duly licensed to practice law in the State of New York, declares under the penalty of perjury as follows:

1. I am an attorney at the law firm of d'Arcambal Ousley & Cuyler Burk LLP ("DO&CB"), national counsel for Plaintiff New York Life Insurance and Annuity Corporation ("NYLIAC"). On behalf of NYLIAC, DO&CB engaged Estes Thorne & Carr PLLC to act as local counsel for NYLIAC in the referenced action. I make this Declaration on the basis of personal knowledge of the matters set forth herein, and I am competent to testify to the same.

2. I am familiar with the file in this case and the pleadings and other papers filed herein. This Declaration is submitted in support of NYLIAC's Motion for Interpleader Relief to be dismissed from the action and recover its attorneys' fees and costs in this action.

3. I am familiar with the timekeeping records kept and maintained by DO&CB attorneys and paralegals with respect to the time expended and tasks performed by the DO&CB attorneys and paralegals on the firm's client matters. DO&CB keeps these timekeeping records in the course of a regularly conducted business activity, and it is the regular practice of this law firm to keep such business records. All such records are made at or near the time of the act or events described in them, by or from information transmitted by a person with knowledge.

4. I follow DO&CB's timekeeping procedures, which require attorneys and paralegals to record their time on a daily basis. I personally enter my time into a computerized time-keeping program, which keeps track of my time entries. I enter my time during the day as I perform tasks for each client matter on which I work that day. At the end of the month, an invoice is generated by DO&CB's accountant. These invoices are reviewed by the billing partners, and once they have been verified for accuracy and completeness, the invoices are then sent to the client for payment.

5. I am familiar with the timekeeping records kept and maintained by DO&CB with respect to the time expended and tasks performed by the DO&CB attorneys and paralegals in this case. During the time I have been representing NYLIAC in this matter, all of my own timekeeping records were kept and maintained in accordance with the above described process, as were the time records of all other attorneys and/or paralegals who worked on this matter. I have personally reviewed all of the time records relating to NYLIAC's representation throughout this litigation.

6. NYLIAC has incurred legal fees in connection with pursuing its rights and remedies herein as a neutral stakeholder and properly interpleading party. I certify that the fees

for the legal services DO&CB has provided to NYLIAC during the course of this lawsuit from April 1, 2021 through July 12, 2021 amount to \$12,522.50.

7. I submit the attached itemization of fees to assist the Court in determining appropriate or reasonable interpleader fees and costs in light of the amount of the interpleader funds and the legal services required.

8. The charges for the attorneys and paralegals appearing in the itemization are hourly rates negotiated with this client for its Interpleader litigation. In certain instances in this matter, time actually incurred has been reduced by me and/or the billing partners as believed appropriate in relation to the amount in controversy and complexity of the particular service performed.

Dated: New York, New York
July 12, 2021

Respectfully Submitted,



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New York Life Insurance and Annuity Corporation v. Barbara Brown Family Trust DTD 3/12/2010 et.al.
d'Arcambal Ousley & Cuyler Burk LLP Attorneys' Fees

Date	Person	Time	Rate	Subtotal	Description
3/22/2021	GBP	0.5	\$ 300.00	\$ 150.00	L110/ A104: Review initial case referral and receive client documents.
3/23/2021	GBP	1.4	\$ 300.00	\$ 420.00	L100/ A104: Review claim documents and correspondence.
3/25/2021	GBP	3.1	\$ 300.00	\$ 930.00	L100/ A104: Revise case file and strategize next steps.
3/25/2021	DAC	0.3	\$ 300.00	\$ 90.00	L190/ A104: Strategize regarding drafting complaint.
3/26/2021	GBP	0.5	\$ 300.00	\$ 150.00	L110/ A102: Research location and contact potential claimants to interpleader action.
3/26/2021	GBP	2.7	\$ 300.00	\$ 810.00	L210/ A103: Draft complaint in interpleader.
3/30/2021	DAC	0.3	\$ 300.00	\$ 90.00	L210/ A104: Strategize regarding draft complaint.
3/30/2021	DAC	1	\$ 300.00	\$ 300.00	L210/ A103: Revise and edit draft complaint.
3/31/2021	GBP	0.3	\$ 300.00	\$ 90.00	L210/ A104: Review and respond to client comments on complaint.
4/1/2021	DAC	0.2	\$ 300.00	\$ 60.00	L210/ A103: Correspond with local counsel regarding filing complaint and related issues.
4/1/2021	DAC	0.6	\$ 300.00	\$ 180.00	L210/ A103: Finalize complaint and exhibits for filing.
4/5/2021	GBP	0.6	\$ 300.00	\$ 180.00	L210/ A108: Correspond with defendant regarding service of complaint and trust documents.
4/5/2021	GBP	0.4	\$ 300.00	\$ 120.00	L210/ A107: Correspond with outside counsel regarding representation and retain new local counsel.
4/6/2021	GBP	0.5	\$ 300.00	\$ 150.00	L210/ A107: Correspond with local counsel regarding scope of representation and issuance of summons.
4/7/2021	GBP	0.2	\$ 300.00	\$ 60.00	L210/ A106: Correspond with client regarding status of pleadings.
4/7/2021	GBP	0.4	\$ 300.00	\$ 120.00	L210/ A107: Correspond with local counsel regarding trust issue and review summons.
4/7/2021	DAC	0.2	\$ 300.00	\$ 60.00	L210/ A107: Strategize regarding Texas statute providing that trusts cannot be sued.
4/8/2021	GBP	0.1	\$ 300.00	\$ 30.00	L210/ A101: Distribute summons for service and correspond with defendant regarding waiver of service.
4/9/2021	FS	0.3	\$ 125.00	\$ 37.50	L190/ A108: Telephone call to court re obtaining payee information for interpleader deposit of funds.
4/13/2021	FS	0.3	\$ 125.00	\$ 37.50	L190/ A110: Prep file for service of process.
4/13/2021	FS	0.5	\$ 125.00	\$ 62.50	L190/ A103: Prepare notice and waivers of service of summons for defendants.
4/13/2021	GBP	0.8	\$ 300.00	\$ 240.00	L210/ A108: Correspond with defendants regarding interpleader action and answer.
4/14/2021	GBP	0.4	\$ 300.00	\$ 120.00	L210/ A108: Correspond with claimants regarding filing answer pro se with the court and waiver of service.
4/15/2021	GBP	0.2	\$ 300.00	\$ 60.00	L210/ A108: Correspond with claimant on providing a revised waiver of service.
4/19/2021	GBP	0.2	\$ 300.00	\$ 60.00	L210/ A104: Review filed affidavits of service and compute time to answer.

4/21/2021	GBP	0.6	\$ 300.00	\$ 180.00	L210/ A104: Analyze service issue related to defendant trust and strategize next steps.
4/21/2021	FS	0.2	\$ 125.00	\$ 25.00	L190/ A108: Telephone call to court re status of deposit of interpleader funds.
4/22/2021	GBP	0.3	\$ 300.00	\$ 90.00	L120/ A106: Correspond with client regarding trust issue and contacting agent.
4/23/2021	GBP	0.1	\$ 300.00	\$ 30.00	L110/ A106: Correspond with client on scheduling call with agent.
4/26/2021	GBP	0.5	\$ 300.00	\$ 150.00	L120/ A108: Correspond with defendant trustee regarding potential stipulation to distribute proceeds.
4/28/2021	GBP	1.3	\$ 300.00	\$ 390.00	L110/ A108: Prepare for and correspond with NYL agent regarding trust identification issue.
4/29/2021	GBP	0.8	\$ 300.00	\$ 240.00	L250/ A103: Draft motion to deposit and proposed order.
4/29/2021	GBP	0.3	\$ 300.00	\$ 90.00	L160/ A108: Correspond with defendant regarding potential stipulation and resolution.
4/30/2021	GBP	1	\$ 300.00	\$ 300.00	L250/ A103: Draft and revise motion to deposit and proposed order.
5/3/2021	GBP	0.1	\$ 300.00	\$ 30.00	L160/ A104: Check status of second check.
5/4/2021	GBP	0.3	\$ 300.00	\$ 90.00	L250/ A106: Correspond with client regarding court's order and request checks.
5/4/2021	GBP	0.2	\$ 300.00	\$ 60.00	L210/ A108: Correspond with defendants regarding status of case and deposit of death benefit.
5/6/2021	GBP	0.4	\$ 300.00	\$ 120.00	L250/ A103: Draft motion for interpleader.
5/6/2021	GBP	0.3	\$ 300.00	\$ 90.00	L250/ A101: Review and prepare check deposit with the registry of the court.
5/11/2021	GBP	0.6	\$ 300.00	\$ 180.00	L210/ A104: Review defendant's answer and strategize next steps of case.
5/12/2021	GBP	0.4	\$ 300.00	\$ 120.00	L120/ A108: Correspond with claimant's counsel regarding possible stipulation of deposit.
5/18/2021	GBP	0.1	\$ 300.00	\$ 30.00	L250/ A104: Review case docket for deposit of funds.
5/19/2021	GBP	0.3	\$ 300.00	\$ 90.00	L100/ A107: Review local counsel's correspondence regarding declined stipulation.
5/20/2021	GBP	0.2	\$ 300.00	\$ 60.00	L230/ A101: Review court deadlines for joint report and meet and confer.
5/20/2021	GBP	0.3	\$ 300.00	\$ 90.00	L230/ A107: Correspond with local counsel regarding meet and confer.
5/21/2021	GBP	0.1	\$ 300.00	\$ 30.00	L230/ A107: Review local counsel's correspondence regarding joint report.
5/25/2021	GBP	0.5	\$ 300.00	\$ 150.00	L230/ A107: Correspond with local counsel regarding meet and confer to strategize next steps.
5/25/2021	GBP	0.8	\$ 300.00	\$ 240.00	L240/ A103: Draft motion for interpleader.
5/26/2021	GBP	2.5	\$ 300.00	\$ 750.00	L190/ A103: Draft settlement demand letter.
5/26/2021	DAC	0.6	\$ 300.00	\$ 180.00	L190/ A104: Advise regarding and edit letter to claimant regarding unreasonable refusal to settle.
6/2/2021	GBP	0.4	\$ 300.00	\$ 120.00	L240/ A103: Draft motion for interpleader relief.
6/2/2021	GBP	1.1	\$ 300.00	\$ 330.00	L230/ A103: Draft joint report and initial disclosures.
6/2/2021	GBP	0.6	\$ 300.00	\$ 180.00	L160/ A103: Prepare settlement demand letter to send to defendant's counsel.
6/4/2021	GBP	0.9	\$ 300.00	\$ 270.00	L230/ A103: Revise proposed joint report and initial disclosures.
6/4/2021	DAC	0.3	\$ 300.00	\$ 90.00	L190/ A104: Review and edit proposed Rule 26 report.

6/7/2021	GBP	0.6	\$ 300.00	\$ 180.00	L210/ A104: Review amended answer of Defendant Sharon Britton to strategize next steps of case.
6/8/2021	DAC	0.1	\$ 300.00	\$ 30.00	L190/ A107: Advise regarding case strategy.
6/8/2021	GBP	0.2	\$ 300.00	\$ 60.00	L160/ A108: Correspond with defendant's counsel regarding deposited funds.
6/8/2021	GBP	0.4	\$ 300.00	\$ 120.00	L250/ A107: Correspond with outside counsel and adverse claimants regarding joint report.
6/15/2021	DAC	0.1	\$ 300.00	\$ 30.00	L190/ A104: Strategize regarding motion for interpleader relief.
6/15/2021	GBP	0.2	\$ 300.00	\$ 60.00	L100/ A107: Review settlement demand response and prepare next steps of the case.
6/17/2021	GBP	0.6	\$ 300.00	\$ 180.00	L120/ A104: Analyze release and motion for interpleader relief issues.
6/17/2021	GBP	0.3	\$ 300.00	\$ 90.00	L100/ A108: Correspond with defendant's counsel regarding final offer for stipulation.
6/17/2021	ALC	0.6	\$ 300.00	\$ 180.00	L120/ A104: Strategize regarding case analysis, options, and recommendation to client.
6/22/2021	GBP	1.6	\$ 300.00	\$ 480.00	L430/ A103: Draft motion for interpleader relief.
6/22/2021	GBP	0.2	\$ 300.00	\$ 60.00	L320/ A108: Distribute initial disclosures to parties.
6/23/2021	GBP	0.8	\$ 300.00	\$ 240.00	L250/ A103: Draft attorney declarations for motion for attorneys' fees.
6/23/2021	GBP	0.8	\$ 300.00	\$ 240.00	L250/ A103: Draft motion for interpleader.
6/25/2021	GBP	1.5	\$ 300.00	\$ 450.00	L250/ A103: Draft motion for interpleader.
6/28/2021	GBP	0.5	\$ 300.00	\$ 150.00	L250/ A108: Correspond with claimants and local counsel regarding case next steps.
7/1/2021	GBP	0.30	\$ 300.00	\$ 90.00	L210/ A108: Correspond with defendant regarding motion for interpleader relief.
7/1/2021	DAC	0.3	\$ 300.00	\$ 90.00	A104: L250/ Advise regarding motion papers.
7/2/2021	GBP	1.3	\$ 300.00	\$ 390.00	L250/ A103: Revise motion for interpleader.
		42.5		\$ 12,522.50	